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No. 99-674

Supreme Court, U.S.
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In The

Supreme Court of the United States

JAMES WEEDEN, et al.,

Petitioners,

vs.

AUTO WORKERS CREDIT UNION,

Respondent.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

RESPONDENT'S BRIEF IN OPPOSITION

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QUESTION PRESENTED

Respondent restates the Questions Presented as follows:

1. Should this Court decline to grant certiorari to review a claimed question of law in a case where the Petitioner requested and agreed to the remedy ordered by the Sixth Circuit Court of Appeals.

RULE 29.6 STATEMENT

Pursuant to Rule 29.6 of the Rules of this Court, Respondent, Auto Workers Credit Union, states that it has no parent corporation or non-wholly owned subsidiaries.

REASONS FOR DENYING THE WRIT

THE SIXTH CIRCUIT COURT OF APPEALS FOUND A VIOLATION OF THE TRUTH IN LENDING ACT BY THE DEFENDANT AND IMPOSED THE VERY REMEDY REQUESTED BY THE PETITIONER.

The petitioners seek certiorari to overturn a remedy they agreed to. In the concluding paragraph of the Sixth Circuit Court of Appeals opinion, the court states:

> Despite the error in the jury charge, however, we conclude that a retrial in this case is unnecessary because, at oral argument before this court, all parties appeared to agree that recission of the loan and *restoration of their original positions* would constitute a fair resolution of their dispute. . . . We REMAND to the District Court with instructions to order recission of the loan; the defendants return to the Weedens of all funds paid in, with interest; and the Weedens' return to the Credit Union of the original proceeds of the mortgage, with interest. Because recission is the relief the Weedens have consistently sought – according to them ever since July 1993 – we decline to order the payment of statutory damages in this case.

The remedy imposed by the Court is that requested by plaintiff's counsel in oral argument before the Sixth Circuit. There is no need for this Court to accept this case because of an alleged error in law below. As the Sixth Circuit Court of Appeals opinion states, the remedy ordered was not based on the requirements of statute, but on an acknowledgment by counsel that "restoration to the original positions" was the demand of petitioners.

Accordingly, there is no issue of law for this Court to resolve. The petition should be denied.

Respectfully submitted,

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